

**COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF  
A HEARING UNDER *THE HEALTH PROFESSIONS ACT*,**

**AND IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF JAN SERAFICO**

**DECISION OF THE HEARING TRIBUNAL  
OF THE  
COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**

**IN THE MATTER OF A HEARING UNDER THE *HEALTH PROFESSIONS ACT* REGARDING THE  
CONDUCT OF JAN SERAFICO, LPN #31629, WHILE A MEMBER OF THE COLLEGE OF LICENSED  
PRACTICAL NURSES OF ALBERTA (“CLPNA”)**

**DECISION OF THE HEARING TRIBUNAL**

**(1) Hearing**

The hearing was conducted remotely via videoconference using Zoom on July 10, 2020 with the following individuals present:

**Hearing Tribunal:**

Kelly Annesty, Licensed Practical Nurse (“LPN”) Chairperson  
Kimberley Chin, LPN  
Marg Hayne, Public Member

**Staff:**

Tessa Gregson, Legal Counsel for the Complaints Consultant, CLPNA  
Kevin Oudith, Complaints Consultant, CLPNA

**Investigated Member:**

Jan Serafico, LPN (“Mr. Serafico or “Investigated Member”)  
Brett Barclay, Representative for the Investigated Member

**(2) Preliminary Matters**

The hearing was open to the public.

There were no objections to the members of the Hearing Tribunal hearing the matter, and no Hearing Tribunal member identified a conflict. There were no objections to the jurisdiction of the Hearing Tribunal.

The Hearing was conducted by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and a Joint Submission on Penalty.

**(3) Background**

Mr. Serafico was an LPN within the meaning of the *Health Professions Act* (the “Act”) at all material times, and more particularly, was registered with CLPNA as an LPN at the time of the complaint. Mr. Serafico was initially licensed as an LPN in Alberta on June 8, 2009.

The CLPNA received a complaint from Dr. Arif Bhimji, Chief Medical Officer at Medicentres Canada Inc. (the “Complaint”). The Complaint was sent pursuant to s. 54 of the Act notifying that concerns regarding the conduct of Mr. Serafico, LPN had been brought to their attention by the Office of the Privacy Commissioner of Alberta (the “OIPC”), which conducted an investigation in relation to two privacy breaches that allegedly resulted from Mr. Serafico’s actions.

Sandy Davis, Complaints Director for the CLPNA, delegated her authority and powers under Part 4 of the Act to Kevin Oudith, Complaints Consultant for the CLPNA (the “Complaints Consultant”), pursuant to s. 20 of the Act. Mr. Serafico received notice of the Complaint by letter dated May 22, 2019.

After completing a preliminary investigation, in accordance with s. 55(2)(d) of the Act, the Complaints Consultant appointed Phil Northrup, Investigator for the CLPNA (the “Investigator”), to conduct an investigation into the Complaint.

On August 9, 2019, the Investigator concluded the investigation into the Complaint and submitted the Investigation Report to the CLPNA.

Following receipt of the Investigation Report, the Complaints Consultant determined that the matters should be referred to the Hearings Director in accordance with s. 66(3)(a) of the Act. Mr. Serafico received notice that the Complaint was referred to a hearing as well as a copy of the Statement of Allegations and Investigation Report under cover of letter dated March 5, 2020.

After issuing the Notice of Referral to Hearing under cover letter dated March 5, 2020, the Statements of Allegations were revised, and a Statement of Allegations was issued dated May 26, 2020.

A Notice of Hearing, Notice to Attend and Notice to Produce was served upon Mr. Serafico under cover of letter dated May 29, 2020.

#### **(4) Allegations**

The Allegations in the Statement of Allegations (the “Allegations”) are:

It is alleged that **JAN SERAFICO, LPN**, while practising as a Licensed Practical Nurse engaged in unprofessional conduct by:

1. On or about August 28, 2012 accessed personal health information of RR, a member of the public, without sufficient justification.
2. On or about August 28, 2012 accessed personal health information of MM, a member of the public, without sufficient justification.

3. On or about December 15, 2010 accessed personal health information of TV, a member of the public, without justification.

**(5) Admission of Unprofessional Conduct**

Section 70 of the Act permits an investigated member to make an admission of unprofessional conduct. An admission under s. 70 of the Act must be acceptable in whole or in part to the Hearing Tribunal.

Mr. Serafico acknowledged unprofessional conduct to all the allegations as evidenced by his signature on the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and verbally admitted unprofessional conduct to all the allegations set out in the Statement of Allegations during the hearing.

Legal Counsel for the Complaints Consultant submitted, where there is an admission of unprofessional conduct, the Hearing Tribunal should accept the admission absent exceptional circumstances.

**(6) Exhibits**

The following exhibits were entered at the hearing:

- Exhibit #1: Statement of Allegations
- Exhibit #2: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct
- Exhibit #3: Joint Submission on Penalty

**(7) Evidence**

The evidence was adduced by way of Agreed Statement of Facts, and no witnesses were called to give *viva voce* testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts which was admitted as Exhibit #2.

**(8) Decision of the Hearing Tribunal and Reasons**

The Hearing Tribunal is aware it is faced with a two-part task in considering whether a regulated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make factual findings as to whether the alleged conduct occurred. If the alleged conduct occurred, it must then proceed to determine whether that conduct rises to the threshold of unprofessional conduct in the circumstances.

The Hearing Tribunal has reviewed the documents included in Exhibit #2 and finds as facts the events as set out in the Agreed Statement of Facts.

The Hearing Tribunal also accepts Mr. Serafico's admission of unprofessional conduct as set out in the Agreed Statement of Facts as described above. Based on the evidence and submissions before it, the Hearing Tribunal did not identify exceptional circumstances that would justify not accepting the admission of unprofessional conduct from Mr Serafico.

### Allegation 1

Mr. Serafico admitted on or about August 28, 2012, he accessed personal health information of RR, a member of the public, without sufficient justification.

Mr. Serafico had a personal relationship with RR. RR and RR's partner, MM, met Mr. Serafico through a mutual acquaintance, TV, and they all socialized together from approximately 2009 to 2012.

On August 28, 2012, while working at the Medicentre, Mr. Serafico accessed and viewed RR's health information via Netcare.

The audit of RR's personal health care number demonstrates that on August 28, 2012, Mr. Serafico carried out the following two "functions", which is the type of access to the specific record:

- a. "VIEW – PIN Med Profile" – this indicates that Mr. Serafico viewed RR's medication profile in the Pharmaceutical Information Network (PIN) component of Netcare, which holds stakeholders' pharmaceutical information; and
- b. "VIEW – Patient Demographics" – this means Mr. Serafico viewed the Person Directory Graphical User Interface for RR, which is the component of Netcare that holds the demographic information of stakeholders.

Mr. Serafico maintains RR called him and asked that he view RR's health information, and this permitted his use of RR's health information. RR disputes this.

The scheme of the HIA does not permit use of health information where consent is given. Rather, the HIA prohibits all use of health information unless it is within the permitted uses, which includes use in order to provide health services and to determine or verify the eligibility of an individual to receive a health service.

There is no record of RR being a patient at the Medicentre before or after Mr. Serafico accessed RR's health information. At no time did RR attend the Medicentre and receive a health service or require screening to determine RR's eligibility to receive a health service at the Medicentre. On August 28, 2012, Mr. Serafico's use of RR's health information was not in accordance with his duties to the Medicentre and as such, was done with insufficient justification under the HIA.

By accessing RR's health information, Mr. Serafico demonstrated a lack of judgment in carrying out his professional work. His conduct harms the integrity of the profession as it calls into question the trust of members of the public that health professionals such as LPNs can be trusted

with their private health information. Finally, this breach of the HIA constitutes a contravention of both the Code of Ethics and Standards or Practice for the reasons set out below.

The Hearing Tribunal finds the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- a) Displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- b) Contravention of the Act, a code of ethics or standards of practice; and
- c) Conduct that harms the integrity of the regulated profession.

### Allegation 2

Mr. Serafico admitted on or about August 28, 2012, he accessed personal health information of MM, a member of the public, without sufficient justification.

Mr. Serafico met MM through a mutual acquaintance, TV, and they socialized together from approximately 2009 until 2012.

On August 28, 2012, while working at the Medicentre, Mr. Serafico accessed and viewed MM's health information via Netcare.

The audit of MM's personal health care number demonstrates that on August 28, 2012, Mr. Serafico carried out the following two "functions", which is the type of access to the specific record:

- a. "VIEW – PIN Med Profile" – this indicates that Mr. Serafico viewed MM's medication profile in the Pharmaceutical Information Network (PIN) component of Netcare, which holds stakeholders' pharmaceutical information; and
- b. "VIEW – Patient Demographics" – this means Mr. Serafico viewed the Person Directory Graphical User Interface for MM, which is the component of Netcare that holds the demographic information of stakeholders.

Mr. Serafico maintains MM may have called him and asked that he view MM's health information and Mr. Serafico was therefore permitted to use the health information. MM disputes this.

The scheme of the HIA does not permit use of health information where consent is given. Rather, the HIA prohibits all use of health information unless it is within the permitted uses, which includes use in order to provide health services and to determine or verify the eligibility of an individual to receive a health service.

There is no record of MM being a patient at the Medicentre before or after Mr. Serafico accessed MM's health information. At no time did MM attend the Medicentre and receive a health service or require screening to determine MM's eligibility to receive a health service at the Medicentre.

On August 28, 2012, Mr. Serafico's use of MM's health information was not in accordance with his duties to the Medicentre and as such, was done with insufficient justification under the HIA.

Again, Mr. Serafico displayed a lack of judgment by accessing MM's personal and private health information without cause to do so. He harmed the integrity of the profession by breaching the trust the public places in LPNs in regard of their private health information. Finally, this conduct constitutes a breach of the Code of Ethics and Standards of Practice for the reasons set out below.

The Hearing Tribunal finds the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- a) Displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- b) Contravention of the Act, a code of ethics or standards of practice; and
- c) Conduct that harms the integrity of the regulated profession.

### Allegation 3

Mr. Serafico admitted on or about December 15, 2010, he accessed personal health information of TV, a member of the public, without justification.

Mr. Serafico had a personal relationship with TV. They became friends in high school and maintained a friendship until approximately December 2010.

On December 15, 2010, Mr. Serafico accessed and viewed TV's health information via Netcare.

The audit of TV's personal health care number demonstrates that on December 15, 2010, Mr. Serafico carried out the following four "functions":

- a. "VIEW – Other" – this indicates that Mr. Serafico accessed and viewed information contained in the Lab Test Results component of Netcare, which holds TV's lab test results;
- b. "VIEW – Chemistry" – this is also a component of Netcare containing TV's lab test results;
- c. "VIEW – Lab Transcribe" – while not defined in the Disclosure Log Explanation Document, this is understood to indicate that Mr. Serafico accessed and viewed information related TV's lab results; and
- d. "VIEW – Patient Demographics" – as above, this indicates that Mr. Serafico viewed TV's demographic information.

At no time was TV a patient of the Medicentre. Mr. Serafico was not required to access TV's health information in order to provide a health service or determine TV's eligibility to do so, as permitted in Section 27 of the HIA. Mr. Serafico did not access and view TV's health information

in accordance with his duties to the Medicentre and therefore used the health information contrary to his obligations under the HIA and without justification.

In accessing TV's private health information without cause Mr. Serafico showed a lack of judgment in the course of his professional work. He harmed the integrity of his profession by breaching the trust placed in Alberta's LPNs in relation to private health information. Finally, this conduct is a breach of the Code of Ethics and Standards of Practice for the reasons set out below.

The Hearing Tribunal finds the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the Act, in particular, the Hearing Tribunal found the following definitions of unprofessional conduct have been met:

- a) Displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
- b) Contravention of the Act, a code of ethics or standards of practice; and
- c) Conduct that harms the integrity of the regulated profession.

The conduct breached the following principles and standards set out in CLPNA's Code of Ethics ("CLPNA Code of Ethics") and CLPNA's Standards of Practice for Licensed Practical Nurses in Canada ("CLPNA Standards of Practice").

#### Code of Ethics

Mr. Serafico acknowledges, and the Hearing Tribunal finds, that his conduct breached one or more of the following requirements in the Code of Ethics for Licensed Practical Nurses in Canada adopted by the CLPNA on June 18, 2008, which states that the Licensed Practical Nurse:

- a. Provides safe, competent and ethical nursing care and accepts accountability for their own nursing judgements and actions;
- b. Manages confidential information in accordance with current legislation and employer policy; and
- c. Maintains standards of professional conduct which enhance public confidence.

Mr. Serafico's actions do not follow from the ethical practice of an LPN. It is clear that he failed to manage private information in accordance with the HIA. Finally, his actions do not maintain standards of professional conduct in furtherance of public confidence.

#### Standards of Practice

Mr. Serafico acknowledges and the Hearing Tribunal finds, that his conduct breached one or more of the following Standards of Practice for Licensed Practical Nurses in Canada adopted by the CLPNA on June 18, 2008, which state as follows:

- a. Standard 2: Accountability – The Licensed Practical Nurse maintains standards of nursing practice and professional conduct as determined by the CLPNA and the practice setting. Indicators:
- Demonstrates accountability and responsibility for own nursing actions and professional conduct;
  - Practices within applicable legislation, Regulation, By-laws, Code of Ethics Standards of Practice and own level of competence.
  - Delivers nursing care in a manner that preserves and protects client autonomy, dignity and rights; and
  - Maintains appropriate boundaries between professional therapeutic relationships and non-professional personal relationships.
- b. Standard 6: Leadership – The Licensed Practical Nurse demonstrates effective leadership knowledge and skill in own practice, as well as in the management and supervision of others. Indicator:
- 1. Models professional values, beliefs and attributes that promote the profession to clients, learners, peers and other health care professionals.

Mr. Serafico failed to demonstrate responsibility in his professional conduct, he failed to practice in accordance with legislative requirements under the HIA, his intrusive access of private health information undermined – not protected – client autonomy, dignity and rights. In accessing the health information of acquaintances without cause he failed to maintain a professional boundary in a personal relationship. Finally his conduct did not model behaviours which commend his profession to the public.

#### **(9) Joint Submission on Penalty**

The Complaints Consultant and Mr. Serafico jointly proposed to the Hearing Tribunal a Joint Submission on Penalty, which was entered as Exhibit #3. The Joint Submission on Penalty proposed the following sanctions to the Hearing Tribunal for consideration:

1. The Hearing Tribunal's written reasons for decision (“the Decision”) shall serve as a reprimand.
2. Mr. Serafico shall pay 25% of the costs of the investigation and hearing to be paid over a period of **24 months** from service of the letter advising of the final costs once the same have been confirmed.

3. Mr. Serafico shall pay a fine in the amount of \$2,000.00, to be paid in full on or before, **thirty (30) months** of service of the Decision. Mr. Serafico may contact the Complaints Department at CLPNA to arrange a payment plan.
4. Mr. Serafico shall read and reflect on the following CLPNA documents. These documents are available on CLPNA's website <http://www.clpna.com/> under "Governance". Mr. Serafico shall provide to the Complaints Consultant, a signed declaration within **thirty (30) days** of service of the Decision, attesting he has reviewed the following CLPNA documents:
  - a. Code of Ethics for Licensed Practical Nurses in Canada;
  - b. Standards of Practice for Licensed Practical Nurses in Canada;
  - c. CLPNA Practice Policy: Professional Responsibility and Accountability;
  - d. CLPNA Interpretive Document: Privacy Legislation in Alberta;
  - e. CLPNA Practice Guideline: Confidentiality;
  - f. CLPNA Competency Profile A2: Clinical Judgment and Critical Inquiry; and
  - g. CLPNA Competency Profile C4: Professional Ethics.

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Complaints Consultant.

5. Mr. Serafico shall complete the course: **LPN Ethics** available online at <http://www.learninglpn.ca/index.php/courses>. Mr. Serafico shall provide the Complaints Consultant with a certificate confirming successful completion of the course within **30 days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

6. Mr. Serafico shall complete the College and Association of Registered Nurses of Alberta **Privacy Module** available online at <https://www.nurses.ab.ca/privacy-module/index.html> and provide the Complaints Consultant, with a certificate confirming successful completion of the course within **sixty (60) days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

7. Mr. Serafico shall complete the AHS Affiliates **Information & Privacy Online Learning Module** available online at <https://www.albertahealthservices.ca/info/Page3962.aspx>. Mr. Serafico shall provide the Complaints Consultant, with a certificate confirming successful completion of the course within **sixty 60 days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

8. Mr. Serafico watch the **Information & Privacy and IT Security & Awareness Video** available online at <https://www.albertahealthservices.ca/info/Page3962.aspx> and provide the Complaints Consultant, a signed declaration attesting he has watched the above noted video within **sixty (60) days** of service of the Decision.

If the video becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant

9. Mr. Serafico shall provide the CLPNA with his contact information, including his home mailing address, home and cellular telephone numbers, current e-mail address and his current employment information. Mr. Serafico will keep his contact information current with the CLPNA on an ongoing basis.
10. Should Mr. Serafico be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Consultant.
11. Should Mr. Serafico fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Consultant may do any or all of the following:
  - (a) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;
  - (b) Treat Mr. Serafico's non-compliance as information for a complaint under s. 56 of the Act; or
  - (c) In the case of non-payment of the costs described in paragraph 2 above, suspend Mr. Serafico's practice permit until such costs are paid in full or the Complaints Consultant is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Consultant.

Legal Counsel for the Complaints Consultant submitted the primary purpose of orders from the Hearing Tribunal is to protect the public. The Hearing Tribunal is aware that s. 82 of the Act sets out the available orders the Hearing Tribunal is able to make if unprofessional conduct is found.

The Hearing Tribunal is aware, while the parties have agreed on a joint submission as to penalty, the Hearing Tribunal is not bound by that submission. Nonetheless, as the decision-maker, the Hearing Tribunal should defer to a joint submission unless the proposed sanction is unfit, unreasonable or contrary to public interest. Joint submissions make for a better process and

engage the member in considering the outcome. A rejection of a carefully crafted agreement would undermine the goal of fostering cooperation through joint submissions and may significantly impair the ability of the Complaints Director to enter into such agreements. If the Hearing Tribunal had concerns with the proposed sanctions, the proper process is to notify the parties, articulate the reasons for concern, and give the parties an opportunity to address the concerns through further submissions to the Hearing Tribunal.

The Hearing Tribunal therefore carefully considered the Joint Submission on Penalty proposed by Mr. Serafico and the Complaints Consultant.

**(10) Decision on Penalty and Conclusions of the Hearing Tribunal**

The Hearing Tribunal recognizes its orders with respect to penalty must be fair, reasonable and proportionate, taking into account the facts of this case.

The orders imposed by the Hearing Tribunal must protect the public from the type of conduct that Mr. Serafico has engaged in. In making its decision on penalty, the Hearing Tribunal considered a number of factors identified in *Jaswal v Newfoundland Medical Board* [1986] NJ No 50 (NLSC-TD), specifically the following:

1. **The nature and gravity of the proven allegations** – The conduct here is significant as it deals with a breach in privacy in contravention of the *Health Information Act*. These are matters which LPNs receive specific education in. There was a concern here as on two occasions Mr. Serafico accessed the health information of three different people that he had a personal relationship with. This conduct is quite serious in that it deals with breaches of the *Health Information Act* to which is a core competency that is expected of an LPN regardless of their experience. LPNs are trained about privacy concerns of both the CLPNA as well as the Public. Mr. Serafico also received training about protecting patients' privacy from his employer.
2. **The age and experience of the investigated member** - Mr. Serafico was initially registered with the CLPNA on June 8, 2009 and has been continually registered from that time. At the time of Allegations 1 and 2, Mr. Serafico had been practicing as an LPN for approximately three years and at the time of Allegation 3, Mr. Serafico had been practicing as an LPN for approximately one year. These allegations deal with a breach of privacy which is a fundamental to an LPN's practice regardless of the stage of their career.
3. **The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions** – There was no evidence presented to the Hearing Tribunal of any prior complaints or convictions with respect to Mr. Serafico.
4. **The number of times the offending conduct was proven to have occurred** – There were three incidents in total. The first incident was in 2010 and the other two incidents

occurred in 2012 on the same day. This has happened approximately eight years ago, and we have no evidence that there have been any breaches of privacy since that time.

5. **The role of the investigated member in acknowledging what occurred** – Mr. Serafico did acknowledge each of the three allegations that were presented to the Hearing Tribunal and did cooperate with both the CLPNA and his representation and provided the Hearing Tribunal with an Agreed Statement of Facts. Mr. Serafico acknowledged his conduct and accepted that his actions were wrong.
6. **Whether the investigated member has already suffered other serious financial or other penalties as a result of the allegations having been made** – the Hearing Tribunal is unaware of any financial or other penalties as a result of this conduct.
7. **The impact of the incident(s) on the victim** – both privacy and security of personal health care information is an expectation of the public. There was no evidence of any impact on RR, MM, or TV so this was a neutral factor.
8. **The presence or absence of any mitigating circumstances** – The Hearing Tribunal was not made aware of any mitigating circumstances.
9. **The need to promote specific and general deterrence and, thereby to protect the public and ensure the safe and proper practice** – Specific deterrence is required to keep Mr. Serafico from repeating the same conduct in the future and general deterrence is to ensure that other members in the profession do not engage in this type of conduct and that this type of conduct will not be tolerated by the CLPNA. LPNs are recognized as independent and capable members of the healthcare team and are self-regulating and the public needs to be reassured that this standard is upheld.
10. **The need to maintain the public's confidence in the integrity of the profession** – The CLPNA deals with the actions of its members when they engage in unprofessional conduct. The CLPNA will deal with any breaches in the Act, the CLPNA Code of Ethics and the CLPNA Standards of Practice in a way that reflects the seriousness of the conduct and for the purpose of protecting the public.

It is important to the profession of LPNs to maintain the Code of Ethics and Standards of Practice, and in doing so to promote specific and general deterrence and, thereby, to protect the public. The Hearing Tribunal has considered this in the deliberation of this matter, and again considered the seriousness of the Investigated Member's actions. The penalties ordered in this case are intended, in part, to demonstrate to the profession and the public that actions and unprofessional conduct such as this is not tolerated and it is intended that these orders will, in part, act as a deterrent to others.

After considering the proposed orders for penalty, the Hearing Tribunal finds the Joint Submission on Penalty is appropriate, reasonable and serves the public interest and therefore accepts the parties' proposed penalties.

**(11) Orders of the Hearing Tribunal**

The Hearing Tribunal is authorized under s. 82(1) of the Act to make orders in response to findings of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the Act:

1. The Hearing Tribunal's written reasons for decision ("the Decision") shall serve as a reprimand.
2. Mr. Serafico shall pay 25% of the costs of the investigation and hearing to be paid over a period of **24 months** from service of the letter advising of the final costs once the same have been confirmed.
3. Mr. Serafico shall pay a fine in the amount of \$2,000.00, to be paid in full on or before, **thirty (30) months** of service of the Decision. Mr. Serafico may contact the Complaints Department at CLPNA to arrange a payment plan.
4. Mr. Serafico shall read and reflect on the following CLPNA documents. These documents are available on CLPNA's website <http://www.clpna.com/> under "Governance". Mr. Serafico shall provide to the Complaints Consultant, a signed declaration within **thirty (30) days** of service of the Decision, attesting he has reviewed the following CLPNA documents:
  - a. Code of Ethics for Licensed Practical Nurses in Canada;
  - b. Standards of Practice for Licensed Practical Nurses in Canada;
  - c. CLPNA Practice Policy: Professional Responsibility and Accountability;
  - d. CLPNA Interpretive Document: Privacy Legislation in Alberta;
  - e. CLPNA Practice Guideline: Confidentiality;
  - f. CLPNA Competency Profile A2: Clinical Judgment and Critical Inquiry; and
  - g. CLPNA Competency Profile C4: Professional Ethics.

If such documents become unavailable, they may be substituted by equivalent documents approved in advance in writing by the Complaints Consultant.

5. Mr. Serafico shall complete the course: **LPN Ethics** available online at <http://www.learninglpn.ca/index.php/courses>. Mr. Serafico shall provide the Complaints Consultant with a certificate confirming successful completion of the course within **30 days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

6. Mr. Serafico shall complete the College and Association of Registered Nurses of Alberta **Privacy Module** available online at <https://www.nurses.ab.ca/privacy-module/index.html> and provide the Complaints Consultant, with a certificate confirming successful completion of the course within **sixty (60) days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

7. Mr. Serafico shall complete the AHS Affiliates **Information & Privacy Online Learning Module** available online at <https://www.albertahealthservices.ca/info/Page3962.aspx>. Mr. Serafico shall provide the Complaints Consultant, with a certificate confirming successful completion of the course within **sixty 60 days** of service of the Decision.

If such course becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant.

8. Mr. Serafico watch the **Information & Privacy and IT Security & Awareness Video** available online at <https://www.albertahealthservices.ca/info/Page3962.aspx> and provide the Complaints Consultant, a signed declaration attesting he has watched the above noted video within **sixty (60) days** of service of the Decision.

If the video becomes unavailable an alternative course may be substituted at the Complaints Consultant's discretion where approved in advance of the deadline in writing by the Complaints Consultant

9. Mr. Serafico shall provide the CLPNA with his contact information, including his home mailing address, home and cellular telephone numbers, current e-mail address and his current employment information. Mr. Serafico will keep his contact information current with the CLPNA on an ongoing basis.

10. Should Mr. Serafico be unable to comply with any of the deadlines for completion of the penalty orders identified above, the deadlines may, upon written request, be extended for a reasonable period of time with the written consent of the Complaints Consultant.

11. Should Mr. Serafico fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders, the Complaints Consultant may do any or all of the following:

(d) Refer the matter back to a Hearing Tribunal, which shall retain jurisdiction with respect to penalty;

- (e) Treat Mr. Serafico’s non-compliance as information for a complaint under s. 56 of the Act; or
- (f) In the case of non-payment of the costs described in paragraph 2 above, suspend Mr. Serafico’s practice permit until such costs are paid in full or the Complaints Consultant is satisfied that such costs are being paid in accordance with a schedule of payment agreed to by the Complaints Consultant.

The Hearing Tribunal believes these orders adequately balances the factors referred to in Section 10 above and are consistent with the overarching mandate of the Hearing Tribunal, which is to ensure that the public is protected.

**(12) Conditions on Investigated Member’s Practice Permit**

The conditions on Mr. Serafico’s practice permit and on the public register will be removed upon completion as follows:

“CLPNA Monitoring Orders (Conduct)”

- Orders 1 - 11

“Conduct Costs/Fines”

- Orders 2 - 3

Under Part 4, s. 87(1)(a),(b) and 87(2) of the Act, the Investigated Member has the right to appeal:

**“87(1)** An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of the decision of the hearing tribunal by a written notice of appeal that

- (a) identifies the appealed decision, and
- (b) states the reasons for the appeal.

**(2)** A notice of appeal must be given to the hearings director within 30 days after the date on which the decision of the hearing tribunal is given to the investigated person.”

**DATED THE 28<sup>th</sup> DAY OF JULY 2020 IN THE CITY OF EDMONTON, ALBERTA.**

**THE COLLEGE OF LICENSED PRACTICAL NURSES OF ALBERTA**



Kelly Anesty, LPN  
Chair, Hearing Tribunal